IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16780 of 2004

Between:

Sunkara Anjaneyulu, S/o. Lakshminarayana,
R/o. Venkataramannagudem, Tadepalligudem (M), West Godavari District.

..... PETITIONER

AND

1 The Assistant Sub Inspector of Police, Tadepalligudem PS,

Tadepalligudem, West Godavari District.
2 N. Vijaya Sai, Not Known, Assistant Sub Inspector of Police,
Tadepalligudem PS, Tadepalligudem, West Godavari District.
3 Ch. Rajeswarao, S/o. Not Known,
R/o. Utkuru(V), Krishna District.
4 P. Narasimharao, S/o. Not Known, Major,
Jaggaiahpet(V), Jaggaiahpet (M), Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in insisting the petitioner to pay Rs. 1.4 lakh and threatening to involve in false cases, if such payment is not made is illegal, irregular, highhanded, abuse of power and violative not to demand any such money nor interfere in any manner with his personal liberty and life and pass

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following O R D E R:

The petitioner seeks a declaration that the alleged action of the respondents in insisting the petitioner to pay a sum of Rs.1.5 lakh and threatening to involve him in false cases, if such payment is not made, as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India.

In view of the allegations made, the first respondent is also made a party by name.

The first respondent-Assistant Sub-Inspector of Police, Tadepalligudem Police Station, Tadepalligudem, West Godavari District filed counter-affidavit denying all the allegations made by the petitioner. It is stated that on the basis of the complaint made by one Kotharaju Jewelers at Bhimavaram, a case in crime No. 197 of 2002 has been registered against the petitioner by the Station House officer, Bhimavaram Police Station under Section 420 read with 34 I.P.C., and that the petitioner was remanded to judicial custody and later he was released on bail and the said case is still pending. It is further stated that taking into consideration of the criminal background of the petitioner, the Station House Officer, Tadepalligudem Rural Police Station sent a report dated 8-9-2004 to the Mandal Executive Magistrate, Tadepalligudem, West Godavari District stating that the petitioner is a resident of Venkataramannagudem Village, Tadepalligudem Mandal and one Kakarapathi Narayana Rao, Dayam Suryanarayana and Kavala Satyanarayana @ Salesu are the close associates of the petitioner and the petitioner is a rowdy sheeter in Chebrol Police station being maintained as on today and in order to keep their movements under close watch as they are reportedly criminals and making violent acts, causing breach of peace and public tranquility and as there is every likelihood that the above said persons, including the petitioner are likely to resort to create criminal and violent acts for the peace and public tranquility, requested the Mandal Executive

Magistrate to bind over the above said persons for good behaviour for a period of six months with self-sureties Rs.2000 each on 8-9-2004 vide M.C.No.35 of 2004. It is also stated a case in Crime No.82 of 2004 was registered against the petitioner, who was A12 in the crime by the Tanuku Police Station under Section 420 read with Section 34 IPC and the said case is still pending for final adjudication. It also appears that a rowdy sheet has been opened against the petitioner by Chebrolu Police Station in the year 1992 and the same is being continued till date. It is stated that several cases are pending against the petitioner in the Chebrolu Police Station for his involvement in unlawful activities.

However, the allegation that the first respondent has been demanding Rs.1.5 lakhs from the petitioner and has been threatening the petitioner with dire consequences has been denied. In view of the averments in the counter-affidavit denying the said allegations, no further adjudication is necessary in this writ petition. The statement of the first respondent is placed on record. However, the counter-affidavit shows that several crimes are pending against the petitioner and it also appears that a rowdy sheet is in operation in Chebrolu Police Station.

In the circumstances, the writ petition is disposed of leaving it open to respondents 1 and 2 to take necessary action in accordance with law, in respect of all the said cases. No costs.

10-11-2004

kdl

To

1 The Assistant Sub Inspector of Police, Tadepalligudem PS,

Tadepalligudem, West Godavari District.
2 Two C.Cs to the Government Pleader for Home, High Court

Buildings, Hyderabad (OUT)

3 Two C.D copies